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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) 37356-195205
First named inventor: Webb, Michael C		
Application No.: 10/804,139	Art Unit: 3751	
Filed: 03/19/2004	Examiner: Maust, Timothy Lewis	
Title: Ball and Socket Breakaway Fitting		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (703) 872-9306		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional.		
1. Petition fee <input checked="" type="checkbox"/> Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(m))		
2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form of <u>Continuation Application, Preliminary Amendment, and IDS</u> (identify type of reply): <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith. 12/23/2005 JADD01 00000028 10004139 B. The issue fee and publication fee (if applicable) of \$ <u>01 FC:2453</u> 750.00 0: <input type="checkbox"/> has been paid previously on _____ <input type="checkbox"/> is enclosed herewith.		

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☒ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ 65.00 for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

[Signature] _____
Signature
December 22, 2005
Date

Joseph R. DelMaster, Jr. _____
Typed or printed name
38,123
Registration Number, if applicable

Drinker Biddle & Reath, LLP _____
Address
(202) 842-8879
Telephone Number

1500 K Street, N.W., Suite 1100, Washington, D.C. 20005-1209
Address

- Enclosures: ☐ Fee Payment
☐ Reply
☒ Terminal Disclaimer Form
☒ Additional sheets containing statements establishing unintentional delay
☒ Other: Continuation Application, Preliminary Amendment, and IDS

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

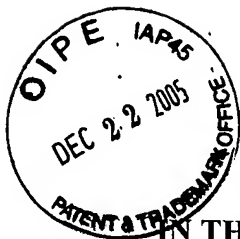
I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

Date

Signature

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number.....10/804,139
In re Application of.....Michael C. WEBB
Title of the InventionBALL AND SOCKET BREAKAWAY FITTING
Filing DateMarch 19, 2004

Technology Center | Art Unit3751
ExaminerMaust, Timothy Lewis

Docket Number.....37356-195205
Customer Number.....23973

STATEMENT ACCOMPANYING PETITION FOR REVIVAL

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 22, 2005

Dear Sir,

Please consider this Statement to accompany the Applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 C.F.R. § 1.137(b)".

The Applicant submits that the entire delay in paying the issue fee due on July 8, 2005 was unintentional and resulted from an apparent mixup in the handling of clerical matters. I, the undersigned, am the Applicant's representative working in my firm's Washington, D.C. office. I manage all of my patent prosecution cases using a docketing system located in my firm's Philadelphia, PA office. I periodically receive a docket report from our Philadelphia office that includes due date actions for my cases. Our Philadelphia office is and has been for several months in the process of changing from one docketing system to another.

Our document records indicate that I directed a staff member to prepare and file a request for continued examination (RCE) in June, 2005, well prior to the issue fee due date (July 8, 2005). This request was necessary to enter into the record, after allowance, prior art reported from a foreign examiner in a foreign prosecution of substantially the same application so that the art could be considered by the examiner. Our records indicate that although the request and the Information Disclosure Statement were drafted, it appears that they were not filed as I directed.

Having given instructions for the RCE to be filed, I red-lined the issue fee date on my docket report so that I would not later give instructions to pay the issue fee. Therefore, the issue fee was not

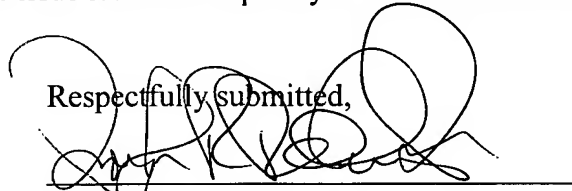
Statement dated December 20, 2005

Accompanying Petition to Revive dated December 20, 2005

paid. To compound the delay, my legal assistant was out of the office for illness from July through August and resigned from the firm in October. During that time, she was replaced by temporary personnel on rotation. One of those persons apparently filed the Notice of Abandonment of this application in the case file without bringing it to my attention. I only discovered the unfiled RCE, the passed issue fee date, and Notice of Abandonment while reviewing several patent files for the same assignee.

Thus, the passing of the due date for the issue fee was completely unintentional and should not prejudice the applicant.

Respectfully submitted,



Joseph R. DelMaster, Jr.

Registration Number: 38,123

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Dated: December 22, 2005